

Message Text

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TO SECSTATE WASHDC 5152

INFO AMEMBASSY DUBLIN

AMCONSUL BELFAST

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E.O. 11652: XGDS-1

TAGS: PINT, PFOR, SHUM, UK, EI

SUBJECT: NORTHERN IRELAND: REES STATEMENT ON PUBLICATION
OF EUROPEAN HUMAN RIGHTS COMMISSION REPORT

REF: DUBLIN 1731

SUMMARY. NI SECRETARY REES, COMMENTING ON SEPTEMBER 2
PUBLICATION OF EUROPEAN HUMAN RIGHTS COMMISSION (EHRC)
REPORT ON IRELAND V. UNITED KINGDOM (REFTEL),
ACKNOWLEDGED FINDINGS THAT HMG SECURITY FORCES ENGAGED IN
"PHYSICAL ILL-TREATMENT" OF SMALL NUMBER OF PRISONERS AND
STRESSED THAT GOVERNMENT OF THE DAY OVER FOUR YEARS AGO
UNILATERALLY STOPPED THESE PRACTICES AND AWARDED
COMPENSATION TO VICTIMS. REES ALSO EXPRESSED SURPRISE
THAT GOVERNMENT OF IRELAND SHOULD CONTINUE PRESSING THIS
CASE WHICH TIME HAS EFFECTIVELY MOOTED AND REJECT EFFORTS
BY BOTH EHRC AND HMG TO ACHIEVE "FRIENDLY SETTLEMENT" OF
DISPUTE UNDER TERMS OF EUROPEAN CONVENTION ON HUMAN
RIGHTS. REES STATEMENT RECEIVED FRONT PAGE, BUT NOT
SENSATIONAL, COVERAGE IN PRESS. PRIVATELY, HMG OFFICIALS
HAVE ACKNOWLEDGED THEIR APPRECIATION OF POLITICAL
CONSIDERATIONS WHICH PRECLUDED IRISH WITHDRAWAL OF
CHARGES OR "FRIENDLY SETTLEMENT", AND EMPHASIZED THAT
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HMG/GOI DISAGREEMENT ON THIS ISSUE WILL NOT WEAKEN FUTURE

COOPERATION BETWEEN THE TWO GOVERNMENTS IN CONTROLLING TERRORIST ACTIVITY. IRISH EMBASSY, LONDON, AFFIRMS LATTER POINT. END SUMMARY.

BEGIN UNCLASSIFIED

1. SEPTEMBER 2 PUBLICATION OF EHRC REPORT ON GOI CHARGES THAT HMG, IN 1971, VIOLATED SEVERAL ARTICLES OF EUROPEAN CONVENTION ON HUMAN RIGHTS IN ITS TREATMENT OF NI CITIZENS DETAINED UNDER EMERGENCY LEGISLATION (REFTEL) DREW STRONG, TERSE STATEMENT FROM NI SECRETARY MERLYN REES, TEXT OF WHICH FOLLOWS:

QUOTE: THIS CASE IS ABOUT EVENTS WHICH TOOK PLACE 5 YEARS AGO. IT COULD HAVE BEEN SETTLED LONG AGO. I CAN SEE NO JUSTIFICATION FOR THE IRISH GOVERNMENT'S PERSISTENCE IN PRESSING IT.

THE FACT IS THAT THE INTERROGATION TECHNIQUES WHICH THE COMMISSION CALL "TORTURE, WHICH WERE DESCRIBED BY THE COMPTON REPORT AS "PHYSICAL ILL-TREATMENT" BUT NOT AMOUNTING TO "BRUTALITY", WERE STOPPED UNILATERALLY BY THE BRITISH GOVERNMENT OF THE DAY OVER FOUR YEARS AGO, AND RELEVANT COMPENSATION AWARDED.

ON THE QUESTION OF ILL-TREATMENT, THE COMMISSION SAY THAT SINCE DECEMBER 1971, THE UNITED KINGDOM GOVERNMENT HAVE TAKEN "IMPORTANT MEASURES", WHICH ARE SET OUT IN THE REPORT, TO SECURE THE PROTECTION CONTEMPLATED BY THE EUROPEAN CONVENTION ON HUMAN RIGHTS. THESE INCLUDED FRESH INSTRUCTIONS TO THE SECURITY FORCES ABOUT THE PROPER TREATMENT OF ARRESTED PERSONS, FRESH DISCIPLINARY REGULATIONS FOR THE RUC, AND SO ON.

ON INTERNMENT AND DETENTION, THE COMMISSION SAY THAT, GIVEN THE SITUATION IN NORTHERN IRELAND, THESE WERE "STRICTLY REQUIRED BY THE EXIGENCIES OF THE SITUATION". MOREOVER, THERE IS NOW NOBODY IN DETENTION IN NORTHERN IRELAND.

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THE COMMISSION ALSO SAY THAT THE FACTS DO NOT DISCLOSE ANY DISCRIMINATION IN THE WAY THAT THE POWERS OF DETENTION OR INTERNMENT WERE APPLIED.

THE COMMISSION MAKE NO RECOMMENDATIONS FOR CHANGES AFFECTING OUR PRESENT SECURITY PROCEDURES OR FOR ACTION AGAINST ANY MEMBERS OF THE ARMY OR THE ROYAL ULSTER CONSTABULARY.

FURTHER. THEY STATE EMPHATICALLY THAT THE "UNITED KINGDOM GOVERNMENT HAVE REPEATEDLY MANIFESTED THEIR INTENTION AND GOODWILL TO DO ANYTHING THAT IS REASONABLY POSSIBLE IN ORDER TO ENSURE THE OBSERVANCE OF THEIR OBLIGATIONS UNDER

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THE CONVENTION".

ALL THIS MAKES IT VERY HARD TO UNDERSTAND THE IRISH GOVERNMENT'S REJECTION OF THE EFFORTS MADE BOTH BY THE COMMISSION AND BY THE BRITISH GOVERNMENT TO BRING ABOUT A "FRIENDLY SETTLEMENT" UNDER THE TERMS OF THE EUROPEAN CONVENTION, AND THE IRISH DECISION TO REFER THE CASE TO THE EUROPEAN COURT OF HUMAN RIGHTS.

WE REGRET THE IRISH GOVERNMENT'S PERSISTENCE IN THUS RAKING OVER THE EVENTS OF 5 YEARS AGO. THE ONLY PEOPLE WHO CAN DERIVE ANY SATISFACTION FROM ALL THIS ARE THE TERRORISTS. WE SHOULD BE CONCENTRATING OUR UNITED ENERGIES ON DEFEATING THE GUNMEN AND BOMBERS WHO MENACE THE LIVES AND WELLBEING OF PEACEABLE CITIZENS IN BOTH

OUR COUNTRIES.

FINALLY, I MUST SAY A WORD ABOUT THE SECURITY FORCES IN NORTHERN IRELAND - THE ARMY INCLUDING THE UDR AND THE RUC INCLUDING THE RUC RESERVE. OF THE 1600 DEAD IN NORTHERN IRELAND SINCE 1969 SOME 400 ARE FROM THE MEN AND WOMEN OF THE SECURITY FORCES. THEY HAVE BEEN SHOT AT, BOTH ON

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DUTY AND IN THEIR HOMES, BLOWN UP BY LANDMINES, BLOWN TO PIECES DISMANTLING BOMBS AIMED AT THE CIVILIAN POPULATION. LET US NOT FORGET THAT THE COMMISSION THEM-SELVES DESCRIBE THE VIOLENCE WHICH THE SECURITY FORCES HAVE TO FACE IN NORTHERN IRELAND AS BEING OF "EXTRA-ORDINARY DIMENSIONS". WITHOUT THEM, THERE CAN BE NO DOUBT THAT THE VIOLENCE WOULD REACH EVEN MORE TRAGIC DIMENSIONS IN THE DIVIDED SOCIETY OF NORTHERN IRELAND. I HAVE MADE IT CLEAR THAT THE GOVERNMENT'S SECURITY POLICY IS BASED ON THE RULE OF LAW, AND THE SECURITY FORCES HAVE MY FULL SUPPORT IN THIS DIFFICULT BUT VITAL TASK. UNQUOTE

2. PRESS IN PAST SEVERAL WEEKS HAS CARRIED AUTHORITATIVE STORIES DETAILING EHRC FINDINGS AND, SEPTEMBER 3, GAVE REES STATEMENT PROMINENT BUT NOT SENSATIONAL COVERAGE. EDITORIAL PAGES OF TIMES, GUARDIAN AND DAILY TELEGRAPH ALL CARRIED ADDITIONAL BACKGROUND AND COMMENT ON THE ISSUE.

END UNCLASSIFIED -- BEGIN CONFIDENTIAL

3. COMMENT. WHILE REES' PUBLIC STATEMENT AFFECTED SURPRISE AT GOI POSITION ON CASE, NI OFFICE OFFICIALS, IN CONVERSATIONS WITH EMBOFF, HAVE INDICATED FULL APPRECIATION OF POLITICAL CONSIDERATIONS WHICH PRECLUDED GOI FROM ADOPTING MORE CONCILIATORY POSTURE. THEY ALSO STRESSED THAT WHILE HMG AND GOI HAVE AGREED TO DIFFER ON THIS ISSUE, IT WILL NOT PREJUDICE CONTINUED CLOSE COORDINATION AND COOPERATION REGARDING NI, ESPECIALLY IN THE SECURITY FIELD. IRISH EMBASSY, LONDON, CONFIRMED LATTER POINT, BUT CONSIDERED REES STATEMENT WAS "HARSH."

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